

LEVY RATNER, P.C.

Attorneys at Law  
80 Eighth Avenue, 8th Floor  
New York, New York 10011-5126

Telephone (212) 627-8100  
Telecopier (212) 627-8182

www.levyratner.com

Richard A. Levy  
Daniel J. Ratner  
Daniel Engelstein<sup>o</sup>  
Gwynne A. Wilcox<sup>Δ</sup>  
Pamela Jeffrey  
Owen M. Rumelt  
Kevin Finnegan  
Carl J. Levine<sup>Δ</sup>  
David Slutsky<sup>Δ</sup>  
Allyson L. Belovin  
Suzanne Hepner<sup>\*</sup>  
Richard Dorn  
Robert H. Stroup

Dana E. Lossia<sup>Δ</sup>  
Susan J. Cameron<sup>Δ</sup>  
Micah Wissinger<sup>\*</sup>  
Ryan J. Barbur  
Vanessa Flores<sup>Δ</sup>  
Alexander Rabb

Counsel:  
Paul Schachter<sup>Δ</sup>  
Anthony DiCaprio  
Michael Steven Smith  
David P. Horowitz<sup>†</sup>

November 18, 2010



Electronically Filed

Hon. Nicholas G. Garaufis  
United States District Court for the  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *United States, et al. v. City of New York*, No. 07-cv-2067 (NGG) (RLM)

Dear Judge Garaufis:

I write on behalf of the Plaintiffs-Intervenors and the City of New York to seek permission for a slight modification to the parties' briefing schedule concerning Plaintiffs-Intervenors' motion for supplemental injunctive relief flowing from the Court's finding of intentional discrimination. The Court earlier entered an order approving a schedule whereby the motion would be fully briefed by November 23, 2010. (Dkt. No. 553). Since the time of that Order, Plaintiffs-Intervenors have received certain additional discovery from the City that Plaintiffs-Intervenors believe is relevant to the injunctive relief motion.<sup>1</sup> In order to permit Plaintiffs-Intervenors to review this material, the City consents to moving the deadline for our reply brief from November 23, 2010 to Thursday December 9, 2010. If Plaintiffs-Intervenors choose to submit or rely upon any of this additional discovery material in our reply papers, we would not object to the City having an opportunity to submit a sur-reply to address that new information. The deadline for the sur-reply would be agreed upon among the parties should a sur-reply be necessary. The United States does not object to this request.

To be clear, this modification to the briefing schedule on injunctive relief does not affect the briefing schedule for Plaintiffs-Intervenors' motion for class-wide compensatory damages relief. That motion will be fully briefed, and shall be submitted by Plaintiffs-Intervenors, by November 23, 2010.

---

<sup>1</sup> Defendant states that it reserves its objections to the relevance of any such discovery in light of the claims presented and litigated in this action.

Hon. Nicholas G. Garaufis  
November 18, 2010  
Page 2

By this letter, Plaintiffs-Intervenors also respectfully request permission to enlarge certain page limits related to the briefing on relief for intentional discrimination. Specifically, we request permission to file a moving brief in support of injunctive relief of 34 pages, and a reply brief in further support of injunctive relief of no more than 25 pages. The additional pages are important to enable Plaintiffs-Intervenors to fully set forth our remedial proposal, and to explain the legal authority underpinning the proposed remedies. Plaintiffs-Intervenors also request permission to file a reply brief on compensatory damages relief of no more than 20 pages. In its response to the motion for compensatory damages relief, the City raised certain arguments that are fundamental to calculating the relief to which the Class is entitled, and the additional pages requested by Plaintiffs-Intervenors are necessary to set out a complete reply to the City's arguments. Neither the United States nor the Defendant objects to these requests concerning page limits.

Thank you for your consideration.

Respectfully submitted,



By: Dana E. Lossia

LEVY RATNER, P.C.  
Richard A. Levy  
Dana Lossia  
Robert H. Stroup  
80 Eighth Avenue  
New York, NY 10011  
(212) 627-8100  
(212) 627-8182 (fax)  
rlevy@levyratner.com  
dlossia@levyratner.com  
rstroup@levyratner.com

TO: All Counsel Via ECF